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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

19-CV-868 MJP

CAROLYN H. MALONE

CASE NO. _____
[to be filled in by Clerk's Office]

COMPLAINT FOR VIOLATION
OF CIVIL RIGHTS
(for use only by plaintiffs not in
custody)

Plaintiff(s),

v.

Jury Trial: ☒ Yes ☐ No
DEMANDED

SEATTLE POLICE DEPARTMENT
JON ENGSTROM, POLICE OFFICER
JASON BENDER, POLICE OFFICER
PATRICK HASKINS, POLICE OFFICER
B. CONWAY, POLICE OFFICER

Defendant(s).

I. THE PARTIES TO THIS COMPLAINT

A. Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach
additional pages if needed.

Name

CAROLYN H. MALONE

Street Address

910 MARION STREET, APT. 505

City and County

SEATTLE / KING

State and Zip Code

WASHINGTON 98104

Telephone Number

(206) 701-7011 voice mail

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1 B. Defendant(s)

2 Provide the information below for each defendant named in the complaint, whether the
 3 defendant is an individual, a government agency, an organization, or a corporation. For an
 4 individual defendant, include the person's job or title (if known). Attach additional pages if
 5 needed.

6 Defendant No. 1

7 Name

JON ENGSTROM

8 Job or Title (if known)

SEATTLE POLICE DETECTIVE

9 Street Address

610 FIFTH AVENUE

10 City and County

SEATTLE / KING

11 State and Zip Code

WASHINGTON 98124

12 Telephone Number

(206) 684-545413 ☐ Individual capacity☒ Official capacity

14 Defendant No. 2

15 Name

JASON BENDER

16 Job or Title (if known)

SEATTLE POLICE OFFICER

17 Street Address

610 FIFTH AVENUE

18 City and County

SEATTLE / KING

19 State and Zip Code

WASHINGTON 98124

20 Telephone Number

(206) 684-545421 ☐ Individual capacity☒ Official capacity

22 Defendant No. 3

23 Name

PATRICK HASKINS

24 Job or Title (if known)

SEATTLE POLICE OFFICER

Street Address

610 FIFTH AVENUE

City and County

SEATTLE / KING

State and Zip Code

WASHINGTON 98124

Telephone Number

(206) 684-5454☐ Individual capacity☒ Official capacity

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Defendant No. 4

Name

B. CONWAY, BADGE No. 6149

Job or Title (if known)

SEATTLE POLICE OFFICER

Street Address

610 FIFTH AVENUE

City and County

SEATTLE / KING

State and Zip Code

WASHINGTON 98124

Telephone Number

(206) 684-5454☐ Individual capacity☒ Official capacity

II. PREVIOUS LAWSUITS

Have you brought any other lawsuits in any federal court in the United States:?

☒ No☐ Yes

If yes, how many? _____

Describe the lawsuit:

Parties to this previous lawsuit:

Plaintiff(s)

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1 _____
2 _____
3 Defendant(s)
4 _____
5 _____
6 _____
7 _____

8 *(If there is more than one previous lawsuit, describe the additional lawsuits on another*
9 *piece of paper using the same outline. Attach additional sheets, if necessary)*

10 Court and name of district:
11 _____

12 Docket Number: _____

13 Assigned Judge: _____

14 Disposition: *(For example, was the case dismissed as frivolous or for failure to state a*
15 *claim? Was it appealed? Is it still pending?)*
16 _____
17 _____
18 _____

19 Approximate filing date of lawsuit: _____

20 Approximate date of disposition: _____

21 **III. BASIS FOR JURISDICTION**

22 Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any
23 rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens*
24

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1 v. *Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may
 2 sue federal officials for the violation of certain constitutional rights.

3 A. Are you bringing suite against (*check all that apply*):

4 ☐ Federal officials (a *Bivens* claim)

5 ☒ State or local officials (a § 1983 claim)

6 B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or
 7 immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are
 8 suing under section 1983, what federal constitutional or statutory right(s) do you claim
 9 is/are being violated by state or local officials?

10 AMENDMENT XIV

11 AMENDMENT IV

12 AMENDMENT VIII

13 AMENDMENT I

14 ARTICLE IV, Section 2.

15 C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional
 16 rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are
 17 being violated by federal officials?

18 _____
 19 _____
 20 _____

21 D. Section 1983 allows defendants to be found liable only when they have acted "under
 22 color of any statute, ordinance, regulation, custom, or usage, of any State or Territory
 23 or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983,
 24 explain how each defendant acted under color of state or local law. If you are suing

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III. BASIS FOR JURISDICTION

D. Section 1983 (Continued)

fire fighters conspired and denied my legal and state sanctioned right to continue to own and operate my fully functional automobile with my valid unexpired Washington state issued drivers license.

The seven city and county employees and Defendants arbitrarily and without "just cause" and "due process" suspended my drivers license for 5 years without any prior formal written or courier delivered notification, whatsoever, on July 16, 2017, as required and mandated by Washington State traffic statutes. Twenty-four hours or less later on July 17, 2017, a King County Deputy issued me a \$550. traffic ticket for "having no valid photo I.D." in which to operate a motor vehicle.

Defendants were and remain fully aware of my daily and nightly physical locations,

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D. Section 1983 (continued)

four-year present mailing address since 2015, and whatever route I drove through regular usage of my car, including the location of the licensed, specialist garage where mechanical repairs were made as necessary.

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under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Through Defendants' authority as law enforcement and municipal officials, four white male Seattle Police Officers, one King County Deputy, and two white male
(CONTINUED ON OTHER SHEETS)

IV. STATEMENT OF CLAIM

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

ON September 5, 2013, Seattle Police Officer Duane and his male officer partner, driving in one direction, I in another, suddenly turned their vehicle around,
(CONTINUED ON OTHER SHEETS)

A. Where did the events giving rise to your claim(s) occur?

Seattle Police Departments; 145th - 163rd and Aurora Avenue, Shoreline, Washington; Northwest African American Museum parking lot

B. What date and approximate time did the events giving rise to your claim(s) occur?

July 17, 2017, approximately 1:30 P.M.

C. What are the facts underlying your claim(s)? (For example: What happened to you?

Who did what? Was anyone else involved? Who else saw what happened?)

I was and am prevented, illegally, from operating any motor vehicle from 2017 - 2022 by Seattle Police and threatened with being jailed by King County Deputy Jeffrey Man if he catches me driving again.

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IV. STATEMENT OF CLAIM

State as briefly as possible the facts of your case.
(Continued)

activated vehicle lights compelling me to stop my car, Whereas Officer Ducre issued me an excessively high \$568. traffic ticket for a defective brake light. I protested then contested the high amount in a hearing. The presiding judge agreed with me. During following months after this encounter with white male Seattle Police officers, other white male officers in Seattle and King County began surveilling me unnecessarily, stopping my car to issue a claimed infraction ticket or simply claim I have a defective tail light. No sooner than I had the alleged defect repaired, police stopped me again, causing me to file harassment and intimidation charges against the always white male police, triggering sustained (to the present) retaliation by the officers.

During 2016, 2017, 2018, officers Jason Bender and Patrick Haskins appeared regularly at Angelina's at Third Avenue and Virginia, a shelter for homeless women, provoking me to verbal confrontations

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IV. STATEMENT OF CLAIM (CONTINUED)

with Officers Bender and Haskins, Defendants, threats to have me evicted from the women's shelter.

The escalation of hostile confrontations continued with Defendants stating, "Are you off your meds?" in order to denigrate, harass, and intimidate me publicly, their (Defendants) being well aware I do not have mental issues, nor have I ever been diagnosed as such. Defendants and other white male police officers' criminal behaviors over the years, culminating in their fraudulent, willful, malicious suspension of my drivers license and the complete destruction of my car are the problems, a form of domestic terrorism.

Defendants, including Seattle Police Detective Jon Engstrom, cyber-criminal expert and B. Conway, used their law enforcement skills, technology, and records access to alter my driving record instantly on July 16, 2017, while I sat in my car at Aurora Avenue and 163rd, Shoreline, and repeatedly questioned King County Deputy Jeffrey Mau as to why he compelled me to stop my car. Then I asked him to record the

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IV. STATEMENT OF CLAIM (CONTINUED)

incident. Deputy Mau refused, claiming he did not have a recorder with him, video or audio. Mau's refusal allowed him to avoid documentation of his and my statements during his illegal behavior, words and actions, on behalf of Seattle Police Defendants who purposely orchestrated with other unnamed Seattle Police officers and Seattle Fire fighters the violation of my Civil Rights by terminating my driving rights for an extreme five years then destroying my car to ensure that I had none to operate with the vehicle's impoundment on January 19, 2018, at Lincoln Towing on Aurora Avenue in Seattle.

Defendants later created back-dated letters which they claimed were sent to notify the suspension, in order to cover-up their illegal actions. One such letter is dated May 16, 2017, sent to an address Defendants are well aware is not mine—in Everett, Washington.

On October 2, 2017 and November 6, 2017, I was compelled to contest the fraudulent charge of "having no valid photo I.D.," whereas presiding Judge Douglas J. Smith was unprepared to render

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS - 6C (CONTINUED)

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IV. STATEMENT OF CLAIM (CONTINUED)

a legal, just, Constitutionally, state or local, binding decision due^{*} lack of evidence, documents, law enforcement witnesses, and/or other individuals against Me. Defendants also did not appear in court to explain the drivers license suspension and their rationale,

Further, I was never accorded a formal hearing before a Washington State Department of Licensing Certified Officer to hear "charges" against me, why the charges, by whom, when the charges or claims occurred, and other relevant (to me) information. I have a Constitutionally-protected right to know this life-altering information and to receive corresponding documentation.

Numerous Washington State statutes were deliberately ignored and violated by Defendants and their co-conspirators in order to retaliate against me for my valid, legitimate, factual complaints against them.

Therefore, I, Carolyn H. Malone, DEMAND A JURY TRIAL for this lawsuit in United States District Western District of Washington courtroom.

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS - 6D (CONTINUED)

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V. INJURIES

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Emotional distress and physical immobility in
having my driving-a-vehicle rights abruptly
terminated after more than 50 years of trouble-
free driving; freedom of movement severely
restricted; My fully function 1998 Volkswagen Beetle,
destroyed and VI. RELIEF confiscated by police.

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I am requesting that the Court through a
DEMANDED JURY TRIAL award me \$150,000.⁰⁰
total, \$30,000 for each of the five years I will
be without driving rights and ^{MUST} use other forms of

VII. CERTIFICATION AND CLOSING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

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VI. RELIEF

transportation, which is often time consuming and inconvenient. The drivers license suspension and ultimate cancellation in addition to total destruction of my 1998 Volkswagen Beetle are extreme and severe forms of punishment, especially since I did not commit any crimes or infractions nor did I violate any state or local laws, criminal or civil.

My car was used to obtain and transport food bank items, to carry my clothing to laundromats, to get to scheduled appointments easily, to transport large items, to run errands and pay bills, but most importantly, it was my "home away from home," my sanctuary of solitude and peace when I needed to be alone.

Since age 19, I have owned one or two cars and maintained them in very good operating condition. Presently at age 73, these highly valued possessions have been stolen intentionally, whereas at an older age in the future, vindictive corrupt police and fire may cancel my drivers license permanently, even though I have no health or medical condition precluding my ability to be in full control of a motor vehicle, small and large.

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1 I agree to provide the Clerk's Office with any changes to my address where case-related
2 papers may be served. I understand that my failure to keep a current address on file with the
3 Clerk's Office may result in the dismissal of my case.

4 Date of signing:

June 3, 2019,

5 Signature of Plaintiff

Carolyn H. Malone

6 Printed Name of Plaintiff

Carolyn H. Malone

7
8 Date of signing:

9 Signature of Plaintiff

10 Printed Name of Plaintiff

11
12 Date of signing:

13 Signature of Plaintiff

14 Printed Name of Plaintiff